

New Massachusetts Law Prohibits Discrimination Based on Hairstyle

BY TRACY THOMAS BOLAND • JULY 29, 2022

On July 26, 2022, Massachusetts Gov. Charlie Baker signed into law House Bill 4554 – commonly referred to as the Creating a Respectful and Open World for Natural Hair ("CROWN") Act – which bans discrimination based on natural and protective hairstyles in all workplaces, public schools, and places of public accommodation (such as restaurants, retail shops and more) in Massachusetts. The law will go into effect on October 24, 2022.

The CROWN Act specifically prohibits discrimination based on "traits historically associated with race," including hair texture, hair type, and "protective hairstyles." According to the new law, the term "protective hairstyle" includes, but is not limited to, braids, locks, twists, Bantu knots, hair coverings, and other formations. Relative to the application of this law in the employment setting, the CROWN Act tasks the Massachusetts Commission Against Discrimination ("MCAD") with adopting rules, regulations, and policies interpreting and enforcing it.

The enactment of the CROWN Act represents an important change in Massachusetts law: prior to the passing of this legislation, there was no Massachusetts law specifically prohibiting discrimination related to hair types or styles. By passing the CROWN Act, Massachusetts joins 17 other states in the nation that have enacted similar laws banning hairstyle discrimination in the workplace and other public settings. On the federal level, the U.S. House of Representatives has passed a version of the CROWN Act, but that bill has not yet passed in the Senate.

Massachusetts employers should review their workplace policies and practices—especially those related to harassment, discrimination, personal appearance, and grooming—to ensure that they are in compliance with the Massachusetts CROWN Act. Employers should also offer training to anyone involved in hiring to ensure they appreciate the limits of the organization's personal appearance and grooming requirements.

Note that employees who can prove that their employer discriminated against them in violation of this law may recover monetary damages for economic loss as well as punitive damages and attorneys' fees.

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We encourage employers to reach out to their Bowditch attorney for assistance or further information regarding this topic.

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